

type seines for catching minnows for bait from the fresh waters of Guadalupe County, Texas, and making it unlawful to use such seines for the purpose of catching other fish; permitting the use of certain type seines for the purpose of catching suckers, buffalo, carp, shad or gar from said waters, and making it unlawful to keep or have in possession certain other fish caught in such seines; providing for penalties; repealing conflicting laws; and declaring an emergency."

S. C. R. No. 21, Providing for planting of flowers and flowering trees and shrubs from various sections of the State in the Capitol grounds.

H. C. R. No. 32, Granting each House permission to adjourn from Thursday, February 24, 1949 until Monday, February 28, 1949.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 32

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 32, Granting each House permission to adjourn from Thursday, February 24, 1949 until Monday, February 28, 1949.

The resolution was read and was adopted.

Adjournment

On motion of Senator Harris, the Senate at 12:35 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, February 28, 1949.

Record of Vote

Senators Phillips and Corbin asked to be recorded as voting "nay" on the motion to adjourn.

TWENTY-SIXTH DAY

(Monday, February 28, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Bullock
Ashley	Carney
Bell	Colson
Bracewell	Corbin

Cousins	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick
Martin	Weinert
McDonald	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Shofner, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 24, 1949, was dispensed with and the Journal approved.

Reports of Standing Committees

Senator Hardeman submitted the following reports:

Austin, Texas,
February 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 5, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 4, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do not pass but that the committee substitute do pass in lieu thereof.

HARDEMAN, Chairman.

C. S. S. J. R. No. 4 was read first time.

Senator Aikin submitted the following report:

Austin, Texas,
February 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 166, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

The House refused to concur in Senate amendments to House Bill No. 282 and has requested the appointment of a conference committee to consider the differences between the two Houses.

H. B. No. 17, A bill to be entitled "An Act prohibiting the selling, offering, exhibiting for sale, or having in possession with intent to sell as food for human consumption horsemeat, defining horsemeat, prohibiting the transfer of its possession under certain circumstances, setting out facts constituting prima facie evidence of violations of this act, providing that the act shall not affect provisions of city ordinance except where providing for injunctions against persons violating the act from engaging in the business of purveying meat, providing a repealing clause, providing a savings clause and declaring an emergency."

H. B. No. 153, A bill to be entitled "An Act abolishing the office of county superintendent in all counties in this State having a population of not less than 23,800 and not more than 23,860 according to the last preceding Federal Census; providing that the present county superintendents of such counties shall serve out their terms for which elected; providing that the duties of county superintendents upon the effective date of this Act shall be performed by the county judges of such counties; providing compensation for such county judges; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 197, A bill to be entitled "An Act making appropriation for an increase in salaries of state of-

ficials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in House Bill No. 246, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

H. B. No. 200, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided in House Bill No. 244, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

H. B. No. 202, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in Senate Bill No. 391, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in Senate Bill No. 374, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act amending Chapter 212, Paragraph 3, page 298, Acts of the Fortieth Legislature, Regular Session, 1927, relating to Texas Prison Board, and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read severally first time and referred to the committees indicated:

By Senator Bullock:

S. B. No. 285, A bill to be entitled "An Act amending Senate Bill No.

391, Acts of the 50th Legislature, 1947, Item 3 of appropriations made to the Firemen's Pension Commissioner to include the word "salaries" for the purpose of payment of salaries of seasonal help and declaring an emergency."

To Committee on Finance.

By Senator Hazlewood:

S. B. No. 286, A bill to be entitled "An Act creating a Court of Domestic Relations for Potter County; prescribing the qualifications of the Judge thereof; fixing his salary; fixing the jurisdiction thereof; conforming the jurisdiction of other Courts thereto; creating a Juvenile Board for certain counties; providing for the District Attorney to serve said Court; containing severability clause; and declaring an emergency."

To Committee on Judicial Districts.

By Senators Colson, Morris, Moffett, Aikin, Taylor, Proffer, Bell, Harris, Corbin, McDonald, Ashley, Hudson, Lane, Shofner, Tynan, Carney, Vick, Phillips, Jones, Strauss, Weinert, Bullock, Lock, and Kelley of Hidalgo.

S. B. No. 287, A bill to be entitled "An Act to amend Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended, by adding thereto a new sub-section to be numbered (4-b); providing for the appropriation, allocation, and transfer of funds from the Clearance Fund to a fund to be known as the Farm-to-Market Road Fund of the State Highway Department of the State of Texas, in amount of \$1,250,000.00 per month beginning September 1, 1949, for construction of Farm-to-Market Roads; repealing all laws or parts of laws in conflict with the provisions of said Act; providing a saving clause; and declaring an emergency."

To Committee on Finance.

By Senator Harris:

S. B. No. 288, A bill to be entitled "An Act providing that upon publication and posting of notice as therein prescribed by any person, firm, unincorporated association, group of persons, or corporation, engaged in mining and producing any mineral or minerals, that the signer, or signers, of the notice is, or are mining and producing the mineral, or minerals, under claim of ownership as against

all persons, excepting those, if any, who may be excepted by name in the notice; the claim of ownership so asserted from and after the date of the last publication of the notice shall be deemed and held to be adverse to all other owners, or claimants, of the mineral, etc., and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Harris:

S. B. No. 289, A bill to be entitled "An Act defining and determining the responsibility and liability of a cotenant or co-owner to other cotenants or co-owners when the former mines and produces any mineral which is solid in its natural state underground, but which is mined and produced by converting same to a fluid state underground and bringing same to the surface in such state; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Harris:

S. B. No. 290, A bill to be entitled "An Act amending Article 7047a-3 of Vernon's Annotated Civil Statutes, being also subsection 1 of Section 4 of Article III of Chapter 495, Acts 44th Legislature, 3rd Called Session, 1936, page 2058; repealing all laws in conflict; providing a saving clause and declaring an emergency."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 291, A bill to be entitled "An Act authorizing and directing counties to pay their contributions to Retirement, Disability and Death Compensation Funds out of the fund from which each officer or employee is paid and declaring an emergency."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 292, A bill to be entitled "An Act donating and granting to the Dallas County Flood Control District all of the State ad valorem taxes that may be collected for general revenue purposes upon property located within said District and from persons therein, for a period of twenty years, commencing September 1, 1949, not to exceed, however, the sum of One Hundred Thousand Dollars (\$100,000) per annum; providing purposes for which such money shall

be used; prescribing the duties of certain officials of Dallas County with respect to such monies; providing that, if any part of this Act be held unconstitutional, such decision shall not affect the remaining part of the Act and declaring an emergency."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 293, A bill to be entitled "An Act relinquishing and granting unto adjacent landowners the title to beds and channels of all abandoned rivers, streams and other channels that have been or may be hereafter abandoned by reason of the relocation of the beds or channels of such rivers and streams by flood control districts, drainage districts or levee improvement districts under an approved plan of reclamation; providing certain facts shall be conclusive evidence of abandonment or non-abandonment of such rivers, streams and channels; defining certain terms; and declaring an emergency."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 294, A bill to be entitled "An Act providing for the appointment of official court reporters in and for the County Courts at Law and the County Criminal Courts in counties in which there now exists, or may hereafter be created, two or more County Courts at Law and one or more County Criminal Courts; providing the qualifications; providing that the salary of each of said court reporters shall be the same as the salary of the official court reporters of the District Courts of the respective county; providing for the manner of payment of such salaries, repealing all laws in conflict herewith, and declaring an emergency."

To Committee on Judicial Districts.

By Senator Shofner:

S. B. No. 295, A bill to be entitled "An Act providing for the establishment of a Medical Branch of the University of Texas in Temple or Bell County, Texas; authorizing and directing the Board of Regents of the University to acquire surplus Federal property for said Medical Branch; authorizing the Board of Regents to contract with other agencies for hospital and other facilities needed for the proper conduct of the activities

of said Medical Branch; appropriating for the remodeling of buildings acquired under provisions of this Act, a sum of \$50,000.00 (fifty thousand dollars) for the fiscal year ending August 31, 1950, and a like sum for the fiscal year ending August 31, 1951, from the General Revenue Fund of the State of Texas; appropriating for equipment, operation and maintenance of said Medical Branch, a sum of \$200,000.00 (two hundred thousand dollars) for the fiscal year ending August 31, 1950, and a like sum for the fiscal year ending August 31, 1951, from the General Revenue Fund of the State of Texas; empowering the Board of Regents of the University of Texas to supplement these appropriations from the Available Fund of the University of Texas, if necessary; authorizing and empowering the Board of Regents of the University of Texas to accept gifts, donations, and bequests to further the purpose of this Act; providing a saving clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency."

To Committee on Finance.

By Senator Cousins:

S. B. No. 296, A bill to be entitled "An Act creating a Private Employment Agency Law for Texas; defining Private Employment Agencies; defining certain terms in the Act; defining certain exceptions; providing a method of licensing of Private Employment Agencies and defining said licenses and fee therefor; providing for the posting of bonds; providing for suits on bond; providing a method of record keeping to be promulgated by the Commissioner of the Bureau of Labor Statistics; providing a method of cancelling licenses by the Commissioner and an appeal to the Courts of any cancellation of license; providing for fees to be collected; providing receipt forms; prohibiting certain acts; prohibiting untruths by employer or applicant; providing for the display of licenses; declaring it to be a violation to operate without a license and providing penalties; defining the duties and authority of the Commissioner; providing for enforcement by Civil Proceedings; providing that application and license shall be received as evidence; providing for the disposition of license fees collected; pro-

viding a savings clause; repealing conflicting laws; and declaring an emergency."

To Committee on Labor.

By Senator Cousins:

S. B. No. 297, A bill to be entitled "An Act creating a Labor Agency Law for Texas; repealing the provisions of Chapter 67, Page 86, General Laws of the 48th Legislature; defining certain terms used in the Act; defining certain exceptions; providing a method of licensing of Labor Agencies and fixing the amount of said license fees therefor and providing for the posting of bonds; providing an occupation tax for the State and counties and the manner of payment thereof; providing a method of cancelling licenses by the Commissioner and an appeal to the courts of any cancellation of licenses; declaring it to be a violation to operate without a license; providing a method of reporting; defining the authority of the Commissioner; providing that application and license shall be received as evidence; providing for the disposition of license fees collected; providing punishment for violation of the Act; providing a savings clause; repealing conflicting laws; and declaring an emergency."

To Committee on Labor.

By Senator Morris:

S. B. No. 298, A bill to be entitled "An Act authorizing the Governor to designate the Chairman of the State Board of Water Engineers as Compact Commissioner to represent the State of Texas in conference with Compact Commissioners for the State of Louisiana, and a representative of the Government of the United States to negotiate an agreement respecting the use, control and disposition of the waters of the Sabine River; prescribing the authority and duties of the Compact Commissioner; providing that necessary expenses of Compact Commissioner shall be paid out of funds made available by the Legislature for such purpose; providing that the Chairman of the State Board of Water Engineers shall not be entitled to any additional salary by reason of services rendered as Compact Commissioner; prescribing the method of reaching such agreement and submitting it to the Legislature for rati-

fication; making an appropriation, and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

By Senator Hudson:

S. B. No. 299, A bill to be entitled "An Act changing the name of the School or College of Mines and Metallurgy at El Paso to the 'Texas State College of Mines and Arts'; providing a changed meaning of the "School or College of Mines and Metallurgy at El Paso," or any reference thereto, wherever such name or reference appears in the Revised Statutes of Texas, 1925, or any amendments thereto, or in any Acts of the Legislature, or in any Constitutional Amendment; ratifying, confirming, and validating in behalf of the School or College of Mines and Metallurgy at El Paso all legislative acts, appropriations, and Constitutional Amendment heretofore passed or adopted in behalf of the School or College of Mines and Metallurgy at El Paso; providing that funds allocated to and bonds or notes authorized to be issued by the College of Mines and Metallurgy under Section 17 of Article 7, Constitution of Texas, shall be allocated to and bonds or notes issued by and in the name of "Texas State College of Mines and Arts"; and declaring an emergency."

To Committee on State Affairs.

By Senator Hudson:

S. B. No. 300, A bill to be entitled "An Act providing that the 70th Judicial District of Texas shall hereafter be composed of the counties of Midland and Ector; providing for the terms of the district court in each of said two counties; providing that all processes issued, bonds and recognizances made and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Courts of the several counties as herein fixed as though issued and served for such terms and returnable to and drawn from the same; further providing that if any county in any county of said district shall be in session at the time this Act takes effect such court or courts affected thereby shall continue in session until the term thereof shall expire under the provisions of the existing laws, but thereafter all courts in said district shall conform to the requirements of

this Act; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Hudson:

S. B. No. 301, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, establishing the central Bureau of Vital Statistics, providing for its general supervision and immediate direction, and providing for the appointment and qualifications of the State Registrar of Vital Statistics; and declaring an emergency."

To Committee on State Institutions and Departments.

By Senator Moore:

S. B. No. 302, A bill to be entitled "An Act providing that the Railroad Commission of Texas shall limit production of natural gas in this State to the reasonable market demand therefor; providing for the allocation of the allowable among the pools in the State, excepting casinghead gas; providing that the Railroad Commission, wherever possible, is encouraged to require that the purchase of gas from oil fields or gas fields shall be based on market price; providing that the Commission shall encourage the re-negotiation of contracts calling for a purchase price below the market value; and providing that all laws and parts of laws in conflict with this Act are hereby repealed; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Moore:

S. B. No. 303, A bill to be entitled "An Act providing that any person, firm or corporation, taking natural gas from an oil or gas field, shall take such gas at the price and upon the terms as may be fixed by the Railroad Commission after notice and hearing, in the event the parties cannot agree upon the price and terms; providing a common point of delivery; providing that all laws or parts of laws in conflict with this Act are hereby repealed; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Kelley of Hidalgo:

S. B. No. 304, A bill to be entitled "An Act amending Article 7150, Revised Civil Statutes of Texas, 1925,

by adding a section thereto, to be known as Section 20, providing for the exemption from taxation of property owned by certain veterans' service organizations; and declaring an emergency."

To Committee on Military and Veterans Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 305, A bill to be entitled "An Act to create the 105th Judicial District and the 105th District Court for the counties of Nueces, Kleberg, and Kenedy; prescribing the jurisdiction thereof; fixing the terms thereof; providing for the appointment of a Judge; providing for the designation of a seal; providing for the Sheriff, clerk and District Attorney therefor; changing the title of the District Attorney from that of District Attorney of the 28th Judicial District to that of District Attorney for the 105th Judicial District; conforming the jurisdiction of the 28th, the 94th and the 117th Judicial Districts to the jurisdiction of the 105th District Court; providing for the application of the provisions of Section 4, H. B. No. 694, Acts of the 50th Legislature, Regular Session, 1947, to the 105th District Court; conforming and validating writs, processes, bonds, and recognizances and transferring cases; providing for Petit and Grand Juries; providing for the appointment of an official Court Reporter; providing a savings clause; repealing conflicting laws and making this Act cumulative of other laws; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Aikin:

S. B. No. 306, A bill to be entitled "An Act directing the Comptroller of Public Accounts on the first day of September, 1949, and the first day of March, 1950, and on each succeeding first day of September and the first day of March thereafter, to determine by any proper method or formula the amount of gasoline used in aircrafts and on which no application for refund of the tax has been made by any person or corporation and against which limitation has run for the period of six months next preceding the dates September 1, 1949, and March 1, 1950, and each six months thereafter; and determining the amount of tax that would have been refunded had claims been filed

according to law; and before any monies derived under levies made in Article XVII, Paragraph 1, Page 184, Acts of the Regular Session of the 47th Legislature, are placed in the State Treasury, the Comptroller and the State Treasurer are hereby directed to place the amount determined by the Comptroller herein in the Treasury for the use and benefits of the Aeronautics Commission in the State of Texas; and appropriating the amount determined by the Comptroller for the use and benefits of the Aeronautics Commission; and declaring an emergency."

To Committee on State Affairs.

By Senator Bell:

S. B. No. 307, A bill to be entitled "An Act to validate the creation of the Port Lavaca Independent School District by the annexation of certain independent and common school districts of Calhoun County, Texas, thereto by an election under Articles 2922 and 2922c, Vernon's Civil Statutes of Texas, under an order or orders of the County School Trustees calling for a rural high school election; validating all acts, orders, election and proceedings thereof; defining the boundaries of such district, extending the same over the Gulf Tidal areas within said county; validating the bonds and tax levies thereof; changing the name thereof to the 'Calhoun County Independent School District'; providing its powers and duties; providing for the vesture, control, management and disposition of all property, real and personal, with sale thereof subject to Article 2773, Vernon's Civil Statutes of Texas; providing for the election and tenure of the trustees by county-wide election with residential qualifications; defining Trustee Districts; validating and authorizing the rates, levy, assessment and collection of taxes; providing that such Act shall not validate in the event of suits heretofore filed or hereafter filed within 45 days from the effective date of the Act; providing a savings clause; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Taylor:

S. B. No. 308, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred and Fifty Thousand Dollars (\$350,000), or so

much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Fifty-first Legislature, and to pay any unpaid accounts or expenses of the Fiftieth Legislature; and declaring an emergency."

To Committee on Finance.

By Senator Jones:

S. B. No. 309, A bill to be entitled "An Act providing for an open season for hunting buck deer in Fannin County; regulating the type of firearm to be used; prohibiting the use of dogs, .22 rifles and shotguns; fixing a bag limit; providing hours for hunting; fixing a penalty; repealing all laws in conflict herewith and making this Act cumulative of laws not in conflict; and declaring an emergency."

To Committee on Game and Fish.

By Senator Jones:

S. B. No. 310, A bill to be entitled "An Act providing an open season for hunting, taking and killing quail in Fannin County; fixing the days on which such hunting is permitted and the hours therefor; fixing the limit on the number of quail that may be killed; making said Act applicable to all varieties of said quail; fixing a penalty; repealing all laws in conflict herewith and making this Act cumulative of laws not in conflict; and declaring an emergency."

To Committee on Game and Fish.

By Senators Lock and Cousins:

S. B. No. 311, A bill to be entitled "An Act to provide for stream and water improvement through the control, prevention and abatement of pollution in the waters of the state; creating a Board of Stream Control and prescribing its powers, duties and compensation; authorizing the adoption of standards and classifications of water; authorizing appeals from decisions of the Board of Stream Control; prescribing the method of serving notices; regulating the procedure of hearings before the Board and the manner of appeal therefrom; authorizing writs of injunction and other processes to enforce orders of the Board of Stream Control; designating the Board of Stream Control

as the agency to receive Federal aid for these purposes; authorizing co-operation and compacts with other states for the attainment of these aims; and repealing certain laws in conflict herewith, and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

By Senator Lock:

S. B. No. 312, A bill to be entitled "An Act approving the election by Stephen F. Austin State Teachers College in exercising its option to purchase the two hundred-acre tract of land, more or less, known as the R. G. Muckleroy Farm situated east of the City of Nacogdoches on State Highway No. 21 and now under lease by the College; making an appropriation of \$25,000.00 to pay therefor; and declaring an emergency."

To Committee on Finance.

By Senator Hudson:

S. J. R. No. 9, Senate Joint Resolution, Proposing an amendment to the Constitution of the State of Texas by adding a new section to be known as Section 48-b, authorizing the Legislature to provide for the establishment of health units, and authorizing a tax in support thereof.

To Committee on Constitutional Amendments.

Senate Resolution 53

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the members of the civics class of Pearland High School; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Bill Ordered Not Printed

On motion of Senator Morris and by unanimous consent, H. B. No. 166 was ordered not printed.

Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 179, A bill to be entitled "An Act permitting the use of certain type seines for catching minnows for bait from the fresh waters of Guadalupe County, Texas, etc.; and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act amending Article 694, Revised Civil Statutes of Texas; and declaring an emergency."

S. C. R. No. 21, Providing for planting of flowers and flowering trees and shrubs from various sections of the State in the Capitol grounds.

Senate Bill 45 with House Amendments

Senator Martin called S. B. No. 45 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

(Senator Aikin in the Chair.)

Motion to Place Senate Bill 88 on Second Reading

Senator Moffett moved that Senate Rule 116 and Section 5 of Article III

of the State Constitution be suspended and that S. B. No. 88 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the members of the Senate):

Yeas—22

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Lane
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Hardeman	Phillips
Harris	Shofner
Hazlewood	Strauss
Hudson	Tynan

Nays—7

Kelly of Tarrant	Taylor
Lock	Vick
Morris	Weinert
Proffer	

Absent

Colson	Cousins
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Leave of Absence Granted

Senator Colson was granted leave of absence for the balance of the day, on account of illness, on motion of Senator Aikin.

Senate Bill 103 on Second Reading

Senator Bell moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 103 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Cousins	Moore
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Absent—Excused

Colson

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 103, A bill to be entitled "An Act authorizing the Commissioners' Court of any county or counties and the municipal authorities of any city or cities, towns, school boards and school districts, and any other governmental entity to cooperate in the establishment of a coordinated health program and by mutual agreement to provide for the payment of all costs incident thereto, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 103 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 103 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Cousins

Absent—Excused

Colson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Hazlewood Kelley of Hidalgo

Absent—Excused

Colson

Committee Substitute Senate Bill 69
On Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 69, A bill to be entitled "An Act to amend Section 9, Chapter 67, Acts of the Forty-first Legislature, Fifth Called Session, as amended by Chapter 75, Acts of Regular Session of the Forty-eighth Legislature, pertaining to the sale of products produced by the Texas Prison System to the State of Texas, its institutions and political subdivisions; providing for the sale of surplus agricultural products and other personal property owned by the Texas Prison System, other than manufactured products produced for the purpose of sale; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Tynan offered the following Committee Amendment to the bill:

Committee Amendment No. 1

Amend Committee Substitute for Senate Bill No. 69, by striking out the following language: "any agricultural or manufactured product produced by the Texas Prison System", page one (1), Section 9, subsection (a), and insert in lieu thereof the following lan-

guage: "any product or article manufactured or produced by the Texas Prison System."

The Committee Amendment was adopted.

Senator Taylor offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 69 by adding a new subsection immediately following subsection (c), on page 1 of the substitute, to be subsection (d) and to read as follows:

"(d) The Texas Prison Board shall not sell to the State of Texas, its agencies or subdivisions, any of the products or services referred to in Article 16, Section 21, of the Constitution of the State of Texas."

Senator Tynan moved to table the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Ashley	Morris
Corbin	Phillips
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Moore	

Nays—14

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Hazlewood	Proffer
Jones	Shofner
Lane	Taylor

Absent

Carney	Harris
Cousins	

Absent—Excused

Colson

Question then recurring on the amendment, it was adopted by the following vote:

Yeas—17

Aikin	Cousins
Bell	Hazlewood
Bracewell	Jones
Bullock	Kelley of Hidalgo

Lane
Lock
Martin
McDonald
Moffett

Phillips
Proffer
Shofner
Taylor

Nays—13.

Ashley
Carney
Corbin
Hardeman
Harris
Hudson
Kelly of Tarrant

Moore
Morris
Strauss
Tynan
Vick
Weinert

Absent—Excused

Colson

C. S. S. B. No. 69 was passed to engrossment.

Committee Substitute Senate Bill 69 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent—Excused

Colson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Bracewell
Ashley	Bullock
Bell	Carney

Corbin
Cousins
Hardeman
Harris
Hazlewood
Hudson
Jones
Kelley of Hidalgo
Kelly of Tarrant
Lane
Lock
Martin

McDonald
Moffett
Moore
Morris
Phillips
Proffer
Shofner
Strauss
Taylor
Tynan
Vick
Weinert

Absent—Excused

Colson

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 17, to Committee on Public Health.

H. B. No. 153, to Committee on Counties and County Boundaries.

H. B. No. 197, to Committee on Finance.

H. B. No. 200, to Committee on Finance.

H. B. No. 202, to Committee on Finance.

H. B. No. 203, to Committee on Finance.

H. B. No. 227, to Committee on Penitentiaries.

(President in the Chair)

Senate Bill 82 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 82, A bill to be entitled "An Act to repeal Chapter 403, House Bill No. 78, Acts First Called Session of the Forty-fourth Legislature, which created an Industrial Revolving Fund of the Texas Prison System; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 82 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that S. B. No. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Absent

Shofner Weinert

Absent—Excused

Colson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Bullock	Shofner
Jones	Weinert
Moore	

Absent—Excused

Colson

Senate Bill 241 on Second Reading

Senator Bracewell moved to suspend the regular order of business to

take up Senate Bill No. 241 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Bullock	Shofner
Hudson	Weinert

Absent—Excused

Colson

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 241, A bill to be entitled "An Act making an emergency appropriation out of the State Highway Fund for the operation of the Texas Highway Patrol Division of the Department of Public Safety; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 241 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 241 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hazlewood
Ashley	Hudson
Bell	Jones
Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Lane
Corbin	Lock
Cousins	Martin
Hardeman	McDonald
Harris	Moffett

Moore	Strauss
Morris	Taylor
Phillips	Tynan
Proffer	Vick

Absent

Shofner	Weinert
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Absent—Excused

Colson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Absent

Shofner	Weinert
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Absent—Excused

Colson

Senate Bill 117 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 117, A bill to be entitled "An Act amending Article XX, Section 4 of House Bill 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended, by changing subsection (4-a), added by H. B. 301, Acts of the 50th Legislature, Regular Session, 1947; providing for the transfer of certain funds to the Foundation School Fund created herein; repealing conflicting laws or parts of laws; containing a savings clause, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Adjournment

On motion of Senator Harris, the Senate at 12:10 o'clock p.m., adjourned until 11:00 o'clock a.m. tomorrow.

TWENTY-SEVENTH DAY

(Tuesday, March 1, 1949)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Carney

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

(President in the Chair.)

Reports of Standing Committees

Senator Taylor submitted the following reports:

Austin, Texas,
February 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 287, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TAYLOR, Chairman.